IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

Crl.Rev.Pet.No. 989 of 1999()

CRA.27/1996 of ADDL.SESSIONS COURT, KOTTAYAM
ST.1763/1991 of JUDL. MAGISTRATE OF FIRST CLASS, KOTTAYAM
.....

REVN. PETITIONER:

T.K. RAJAN PILLAI,
S/O. KRISHNAN PILLAI,
SAJI MANDIRAM, THENGANA,
PERUMBANACHI.

BY ADV. SRI.P.K.BALAKRISHNAN NAIR
SRI.V.K.SUNIL

RESPONDENTS:

STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM.

BY ADV. SRI. C.K. SURESH, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 21/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL. M.P. NO. 4580/1999 IN CRL. R.P. NO. 989/1999

DISMISSED

21.06.2007 SD/- K.R. UDAYABHANU, JUDGE.

/True Copy/

P.A to Judge.

K.R.UDAYABHANU, J

Crl.R.P.No.989 of 1999

Dated this the 21st day of June, 2007

O R D E R

The revision petitioner stands convicted for the offence under Section 51(a) of Kerala Police Act and sentenced to undergo simple imprisonment for 15 days and to pay a fine of Rs.100/- and in default, to undergo simple imprisonment for two days.

2. The prosecution case is that on 25.7.1991, at about 6.35 p.m., while CW1 (PW2) was traveling in a bus bearing registration No.KLB 8542 and when it reached in front of the Collectorate, the accused who was traveling in the bus was found under the influence of alcohol and uttering obscene word causing annoyance of the passengers and employees of the bus.

3. The evidence adduced in the matter consisted the testimony of PWs' 1 to 3 and Exts. P1 and P2. PW2, the police constable has testified in proof of the prosecution averments. PW3, the doctor, who has examined the accused on the same day and issued Ext. P2 drunkenness certificate wherein it is

mentioned that that he was under the influence of alcohol at the time of traveling in the bus has proved the same. The counsel for the revision petitioner has pleaded for leniency pointing out that about 17 years have elapsed since the date of occurrence and so far the accused is facing criminal proceedings.

4. In the circumstances, the sentence is liable to be modified. The sentence is modified to pay a fine of Rs.200/- and in default, to undergo simple imprisonment for two weeks.

The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl